

**MINUTES OF THE COMMON COUNCIL
AUGUST 18, 2020**

A meeting of the Common Council of the City of Oneida, NY was held on the eighteenth day of August, 2020 at 6:30 o'clock P.M. in Kallet Civic Center, 159 Main Street, Oneida, NY.

The meeting was called to order by Mayor Helen Acker

PRESENT: Councilors Carrie Earl, Michael Bowe, James Coulthart,
Michelle Kinville, Brandee DuBois and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Comptroller Lee Ann Wells
Fire Chief Dennis Fields
Police Chief Paul Thompson
Public Safety Commissioner Kevin Salerno
Supervisor Matt Roberts
Supervisor Mary Cavanaugh

Mayor Acker welcomed the family and close friends of Pepi's Pizza. She extended her heartfelt appreciation and congratulations to Pepi's for their 60 years in business in the City of Oneida and read a proclamation before presenting it to Mrs. Audrey Wojtas. The Pepi's family received a standing ovation.

PROCLAMATION – PEPIS PIZZA 60 YEARS OF BUSINESS IN THE CITY OF ONEIDA

WHERAS, Pepi's Pizza is celebrating 60 years of business in the City of Oneida; founded by Anthony "Papa Tony" Wojtas, who opened his pizza parlor in downtown Oneida on Memorial Day in 1960, and then moved Pepi's Pizza to a new location on Route 5 in 1963; **and**

WHEREAS, Papa Tony was an honest, caring and generous man, dedicated to and well-respected by the community, and devoted to his family; his wife Audrey, his daughter Linda and son-in-law Cyrus, his four grandchildren and eight great-grandchildren; **and**

WHEREAS, Papa Tony was well-known for tossing the pizza dough into the air or into the "tunnel" up through the roof, for the model train that circles on a track inside the pizza shop, for the old school photos encased under glass on the dining tables, and for the giant gorilla that occasionally towers from the roof of the building over the parking lot, **and**

WHEREAS, in 2010, shortly after the passing of his beloved grandfather, a new and larger Pepi's Pizza opened, resting on the site of the older Pepi's Pizza building on Route 5, with Papa Tony's grandson Chip Noble at the helm, employing his father, his brother and dedicated staff to carry on most of the same traditions started by his grandfather, **and now therefore**

I, Helen B. Acker, by virtue of the authority vested in me as Mayor of the City of Oneida, do hereby proclaim the week of August 17, 2020 to August 23, 2020 as

"PEPI'S PIZZA WEEK"

in the City of Oneida, and I, along with the Common Council and members of the community extend to Pepi's Pizza our sincere congratulations on their 60 years of business and wish you many more years of success here in the City of Oneida.

OLD BUSINESS

Councilor Coulthart stated that he received a letter from a constituent regarding the feral cat issue, and he requested her letter be part of the record.

Moved by Councilor Coulthart
Seconded by Councilor Earl

RESOLVED, that an email dated August 2, 2020 and August 17, 2020 from Cindy Watson to Councilor Jim Coulthart regarding the feral cat issues here in the City of Oneida be hereby received and placed on file.

Ayes: 6
Nays: 0

MOTION CARRIED

SUPERVISORS REPORT

Supervisor Cavanaugh gave an update on the County's COVID situation remarking that the numbers are holding steady. She said that they are working with the colleges and are four weeks into WWTP COVID testing to get a baseline; however, so far there is nothing. Supervisor Cavanaugh said that State local aid to the County will be cut by 20% at a minimum, and they are looking hard to see where they can make cuts.

Supervisor Roberts said that sales tax is down about 3%, and this a lot has to do with internet sales tax. He said that it may take a year or two, but they need to get the Federal Government to straighten out how the internet taxes are collected, as each taxing entity does it differently. He said that there are 10,300 taxing jurisdictions just in Madison County alone. He said that they will be working with the Federal government to straighten out and consolidate the laws. Supervisor Roberts said there is a huge difference between the upstate counties and New York City, as this state is so diverse. Supervisor Roberts said we have been sitting at Phase 4 for weeks, when we should be in Phase 5, noting that this has been very a contentious item with the State. He said he is worried about many small businesses closing. Supervisor Roberts said the County will continue to look at the COVID numbers on weekly basis, as schools begin to open. Supervisor Cavanaugh said that Chairman Becker is working with Senator Schumer to get the aid to come directly to the County.

In response to a question from the Mayor, Supervisor Roberts explained how internet sales tax works. He said that if a resident is purchasing online, the sales tax comes to the municipality of the buyer, noting that if you go to Destiny Mall and purchase something, the sales tax monies stay with Onondaga County. He said that they are requesting from the Feds that sales tax be done on zip code basis, but it is not going to be an easy process to get it sorted out. Supervisor Roberts said that once this is organized, we should be getting a lot more sales tax dollars.

Moved by Councilor Coulthart
Seconded by Councilor Kinville

RESOLVED, that the minutes of the regular meeting of August 4, 2020 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Simchik

Seconded by Councilor Earl

RESOLVED, that Warrant No. 16, checks and ACH payments in the amount of \$152,215.52 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Simchik

Seconded by Councilor Kinville

RESOLVED, that checks in the amount of \$10,737.25 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5

Nays: 0

Abstain: 1 (Bowe)

MOTION CARRIED

City Attorney Nadine Bell explained the Purdue Pharma Opioid Litigation, noting that we are making sure we preserve our right to be part of the class action lawsuit should it prevail, as the City of Oneida is projected to receive as much as \$3M.

MONTHLY REPORTS

RESOLUTION 20-124

Moved by Councilor Coulthart

Seconded by Councilor Earl

RESOLVED, that Monthly Reports from the Chamberlain, City Clerk, City Engineer, Comptroller, Fire Chief, Planning Director, Police Chief and Recreation Director be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Coulthart applauded the monthly report from the Planning Department and asked where we stand with things in the flats in terms of economic development for usage. Mayor Acker said there is a process to follow. She said that all the FEMA paperwork had to be completed first, and that is now done. The Mayor said that they are in discussions with FEMA to get approvals for possibly a community garden, allowing adjoining property owners to lease property next to their homes, as well as other ideas. She added that FEMA has a new person in charge of our case, as the original caseworker has retired. She said that this has been a bit of a challenge.

Councilor Coulthart noted that tax collection is up from 91% to 96%. The Mayor said that this just for 2020 taxes, noting that the Chamberlain is working on collecting previous years back taxes. Mayor Acker said that this has been one of the best years for the City with respect to tax collections.

ADOPT LOCAL LAW NO. 3 OF 2020 TO AMEND CHAPTER 190, TITLED "ZONING," OF THE CODE OF THE CITY OF ONEIDA TO DEFINE AND REGULATE

HOME ACCESSIBILITY RAMPS

RESOLUTION 20-125

Moved by Councilor Coulthart
Seconded by Councilor Simchik

RESOLVED, that it be enacted by the Common Council of the City of Oneida, that this local law amends Chapter 190 of the Code of the City of Oneida (hereinafter “Code”), titled “Zoning,” to define and regulate ramps for home accessibility as follows:

SECTION 1. AUTHORITY.

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2.

So that Section 190-5 of the City of Oneida Zoning Regulations, titled “Definitions,” is hereby amended by adding a new definition for “Home Accessibility Ramps,” which shall read, in its entirety, as follows:

“HOME ACCESSIBILITY RAMPS – an inclined ramp providing an accessible route of travel for people who are wheelchair users or have an ambulant disability from an entrance to the building interior to the exterior at grade level.”

SECTION 3.

So that a new Section 190-13.1, titled “Ramps for Home Accessibility,” shall be added to Article IV of the City of Oneida Zoning Regulations, which shall read in its entirety as follows:

“Notwithstanding any other provision of this Chapter, the front yard, rear yard, side yard, building coverage, lot surface coverage and other bulk requirements of this Code shall not apply to ramps for home accessibility serving a one-family dwelling, two-family dwelling, duplex, or three-family dwelling, provided that the distance between the most proximate point of the base of the wheelchair ramp at grade and the nearest edge of pavement of any sidewalk shall not be less than three (3) feet.”

SECTION 4.

This Local Law shall be effective upon filing with the office of the Secretary of State.

Councilor Earl: Yes
Councilor Bowe: Yes
Councilor Coulthart: Yes
Councilor Kinville: Yes
Councilor DuBois: Yes
Councilor Simchik: Yes

MOTION CARRIED

**ADOPT LOCAL LAW NO. 4 OF 2020 A LOCAL LAW AMENDING CHAPTER 33
TITLED “BUILDING CODE ADMINISTRATION AND ENFORCEMENT”
OF THE CODE OF THE CITY OF ONEIDA**

RESOLUTION 20-126

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that it be it enacted by the Common Council of the City of Oneida, that this local law amends Chapter 33 of the Code of the City of Oneida (hereinafter "Code"), titled "Building Code Administration and Enforcement," as follows:

SECTION 1.

So that Chapter 33, Article III, Section 33-8 of the Code of the City of Oneida, titled "Fire Marshal and inspectors," is hereby amended by adding two (2) new Subsections "F" and "G," which shall read in their entirety, as follows:

- "F. The City of Oneida Fire Marshal's Office may engage a contractor to assist the City's Fire Marshals in the tracking of fire protection systems within the City of Oneida by providing the City's Fire Marshals an online electronic reporting system. Further, the City of Oneida will approve agencies that register as authorized inspection companies with said contractor as duly approved inspectors who are hereby authorized and deputized as agents of the City of Oneida for the limited purpose of making inspections and reinspections of all fire protection systems protection systems heretofore and hereafter described, and to approve and disapprove the same. In no event, however, will fees relating to registering with the City's contractor or the cost of such inspections and reinspections be a charge against the City of Oneida.
- G. It shall be the duties of the approved inspectors described in subsection "F" to provide written reports electronically to the City of Oneida's aforementioned contractor so that the contractor can electronically report to the Fire Marshal, whose duty it shall be to enforce, prosecute or cause to be ameliorated all the provisions of this Code, all violations from or omissions of the Uniform Fire Prevention and Building Code, and of all local codes and the New York State Fire Prevention and Electrical Code insofar as any of the same apply to fire protection systems. The inspectors shall make inspections and reinspections of fire protection systems installations or alterations in and on properties in the City of Oneida upon the written (physical or electronic) request of an authorized official of the City of Oneida or as herein provided. The inspectors are authorized to make inspections and reinspections of fire protection system installations or alterations, devices, appliances and equipment where they deem it necessary for the protection of life and property. In the event of an emergency it is the duty of the inspectors to make fire protection system inspections upon the oral or written request of an official or officer of the City of Oneida. It shall be the duty of the inspectors to furnish electronic written reports to the City's contractor so that the contractor can furnish electronic written reports to the proper officials of the City of Oneida and owners and lessees of property where defective electrical installations, alterations or equipment are in conformity with this Code. The inspectors shall cause an electronic copy of the certificate of compliance to be sent to the City of Oneida to the attention of the Fire Marshal."

SECTION 2. **SEVERABILITY.**

If the provisions of any section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 3. **EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.

Councilor Earl: Yes
Councilor Bowe: No
Councilor Coulthart: Yes
Councilor Kinville: Yes
Councilor DuBois: Yes
Councilor Simchik: Yes
MOTION CARRIED

LICENSE RENEWAL NOTIFICATION

RESOLUTION 20-127

Moved by Councilor Simchik
Seconded by Councilor Kinville

RESOLVED, that the standardized notice form for providing 30-day Advance Notice of the renewal of the On-premises Alcoholic Beverage License from the American Legion Post 169, 398 North Main Street, Oneida NY be hereby received and placed on file.

Ayes: 6
Nays: 0
MOTION CARRIED

MEMORANDUM OF AGREEMENT

RESOLUTION 20-128

Moved by Councilor Simchik
Seconded by Councilor Kinville

RESOLVED, to authorize the Mayor to sign a Memorandum of Agreement by and between the City of Oneida and the John R. Deschamps Sr. Police Benevolent Association, whereby the City shall establish the Police Department title of Assistant Chief of Police.

Ayes: 5
Nays: 1 (Coulthart)
MOTION CARRIED

Councilor Coulthart expressed his concerns about the long-term implications for this agreement. He noted that the Police Department, as well as another department, is extremely well-resourced. Public Safety Commissioner Kevin Salerno said that just because the Police Department is expensive, it doesn't mean that it is well-resourced. Public Safety is expensive. He said that the money involved is miniscule to solve the issue. In response to a comment, the Public Safety Commissioner said that per the City Charter, the whole Department of Public Safety (Police & Fire) is headed by the Commissioner of Public Safety. The City Attorney said that the agreement stays in place unless changed through collective bargaining. The Mayor said that this agreement has already been discussed.

PROPOSED ORDINANCE AMENDMENT

RESOLUTION 20-129

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that a proposed Ordinance amending Chapter 151 Streets, Sidewalks and Public Places, Article IV Sidewalk Construction, §151-10 Definitions, and to include §151-13 Unsafe Sidewalks, relating to defining unsafe sidewalks in the City of Oneida be hereby received and placed on file as follows:

PROPOSED ORDINANCE 20-

Chapter 151 Streets, Sidewalks and Public Places

Article IV Sidewalk Construction

§151-10 Definitions

Unsafe Sidewalk – Any portion of sidewalk that impedes safe travel by the public as defined by conditions outlined in this Chapter.

§151-13 Unsafe Sidewalks as defined by the following conditions

1. where one or more sidewalk flags is missing along a property's street frontage;
2. one or more sidewalk flag(s) are cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed;
3. an undermined sidewalk flag below which there is a visible void or a loose sidewalk flag that rocks or seesaws;
4. a trip hazard, where the vertical grade differential between adjacent sidewalk flags is greater than or equal to one half inch;
5. improper slope, which shall mean (i) a flag that does not drain toward the curb and retains water, (ii) flag(s) that must be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards;
6. cellar doors that deflect greater than one inch when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition;
7. non-compliance with City of Oneida specifications for sidewalk construction;
8. patchwork which shall mean (i) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s) or (ii) flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material; and
9. deposits of soil or vegetative growth that impede safe travel along a continuous sidewalk.

BE IT FURTHER RESOLVED, that a Public Hearing on said proposed Ordinance amendment for be scheduled for September 1, 2020 at 6:30 pm at the Kallet Civic Center, 159 Main Street, Oneida NY 13421.

Ayes: 6

Nays: 0

MOTION CARRIED

City Engineer Eric Schuler said that unsafe sidewalks are not completely defined in the City Code, noting it would be hard to enforce if it is not in the Code. The City Attorney said that citing a specific code would be necessary should the City take legal action regarding a sidewalk issue.

FACILITY USE POLICY – PARKS AND RECREATION DEPARTMENT

RESOLUTION 20-130

Moved by Councilor Earl
Seconded by Councilor Simchik

RESOLVED, that the Facility Use Policy of the Parks and Recreation Department be hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said that she will check with the Recreation Director regarding a code of conduct for coaches and volunteers.

NEW BUSINESS

Councilor Earl asked that the City's non-profits be supported. She said the Jessica's Heroes Foundation is doing a virtual run, whereby you give a \$10 donation and do the run on your own. Then you place a photo of yourself doing the run/walk on their page. She said that all the money collected supports local cancer patients here in the City of Oneida.

The Mayor reminded everyone to support our local businesses. She said that a couple of businesses she spoke with said that last month was the best month they had in years. Mayor Acker said that this helps us with our sales tax revenue.

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 7:20 p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk